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3 ON TRIAL IN SALE OF B-26'S TO LISBON

Defense Will Seek to Prove
C.I.A. Condoned Action

By DOUGLAS ROBINSON
Special to The New York Times

BUFFALO, Sept. 20—Three men, accused of transporting military planes to Portugal in violation of the Munitions Control Act, went on trial here today in Federal Court.

The counsel for one of the defendants indicated that he would put agents of the Central Intelligence Agency on the witness stand in an effort to support the defense claim that the operation had been quietly sponsored by the Government.

The lawyer, Edwin Marger of Miami Beach, told newsmen that although he had been trying to subpoena C.I.A. men, "as you know they're exceedingly vaporous."

He indicated to the jury, however, that the defense would prove that the World War II planes—seven B-26 bombers—were to have been used to fight dissident elements in Mozambique and Angola, two Portuguese territories in Africa.

The case has drawn considerable international attention since the flights were in violation of a United States pledge in the United Nations that military aircraft would not be sold to Portugal because they might be used in Africa.

Late last year the United States admitted to the United Nations that the seven bombers had been delivered to Portugal but added that they got there "without the United States authorities having the slightest knowledge of the operation."

The 3 Defendants

Today's courtroom activity was confined to the selection of a jury. Fourteen prospective jurors were excused before a panel of 10 men and two women was sworn in.

The three defendants are a bearded veteran of the Royal Air Force's precision-acrobatic flying team, a distinguished French nobleman and a square-jawed impassive Canadian who worked as a used-car salesman in California.

The pilot is John Richard Hawke, a resident alien from Fort Lauderdale, Fla. The others

are Count Henri Marie Francois de Marin de Montmarin, formerly of Paris who lived with relatives in New York, and Woodrow Wilson Roderick, formerly of Winnipeg.

The alleged ringleader of the plane deal has been identified as Gregory R. Board, a former Australian who owns an airplane leasing concern in Tucson, Ariz. Mr. Board reportedly is hiding out his home in the island of Jamaica.

A fifth Keat Griggers, an airplane mechanic, was named in the original indictment. He was dismissed this morning, however, and United States Attorney John T. Curtin would give no reason for agreeing to Mr. Grigger's release.

All the defendants are charged with conspiring to violate the Munitions Control Act, which forbids the exportation or importation of munitions without a State Department license. In addition, Mr. Hawke and Count Montmarin are accused of actually violating the act by transporting the planes.

Operation Sparrow

The conspiracy charge is punishable by up to five years in prison and a fine of \$10,000. The maximum punishment on the other charge is two years and a fine of up to \$25,000, or both.

Mr. Hawke has previously contended that the entire operation was coordinated and helped by the C.I.A. under the code name of Operation Sparrow. Use of the term, he has said, helped him out of more than one tight spot with American and Canadian customs officials.

According to the indictment, Mr. Board arranged for the sale of the planes, which were modified and refurbished by the Hamilton Aircraft Company in Tucson. Mr. Hawke flew the planes, Count Montmarin, an airplane broker, handled the arrangements, and Mr. Roderick acted as the middleman purchaser, since it is legal to send munitions without a license to Canada.

Mr. Board reportedly was to have received close to \$1 million for 10 planes. Only seven were delivered before customs officials became suspicious and arrested Mr. Hawke.

The case is being heard in Buffalo because at least two of the planes stopped at Rochester before leaving his country. Rochester is in the jurisdiction of the Federal Court's Western District of New York. The trial is presided over by Federal Judge John O. Henderson.